



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3010832
Applicant Name: Craig Belcher
Address of Proposal: 1801 16th Avenue SW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to place six temporary trailers; four temporary, accessory billeting and two accessory structures (restroom and shower facilities) at Todd Pacific Shipyard. Parking to be provided at the existing surface parking area.

The following approval is required:

Temporary Use Permit (Seattle Municipal Code Section 23.42.040).

Shoreline Substantial Development (Seattle Municipal Code 23.60.600).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site Location: The site is located at 1801 16th Avenue SW. The zoning is General Industrial 1 (IG1 U/85). The site is located at the Todd Pacific Shipyard on Harbor Island at the West Waterway of the Duwamish River. The site is over a million square feet. Zoning in all directions is IG1 U/85. Uses in the vicinity include Port of Seattle uses, Oil Company storage and fueling and Shipyard uses, all industrial uses. The shoreline environment is Urban Industrial (UI).

Proposal Description

The applicant proposes to site temporary, accessory billeting trailers and accessory trailers for restroom and showers. Parking will be nearby at the established parking area. A temporary use permit is required to establish a temporary accessory billeting use at this location for the duration of ship repairs (SMC 23.44.016(B) and 23.42.040).

Public Comments

No public comments were received during the official public comment period which ended February 26, 2010.

ANALYSIS - TEMPORARY USE

Pursuant to SMC 23.42.040, the Director may “grant, deny or condition applications for temporary use authorization for uses not otherwise permitted or not meeting development standards in a zone, which are in keeping with the spirit and purpose of the Land Use Code.” Furthermore, SMC 23.42.040(C) states that the Director may authorize a temporary use for a time period of up to six (6) months for any use that does not involve the erection of any permanent structure and that meets the requirements of Intermittent Uses SMC 23.42.040 (A 1a-c) as listed below.

No permanent structures will be erected. The proposed trailers will be removed at the end of the temporary period.

Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited below:

- a. The use shall not be materially detrimental to the public welfare; and*

The proposed project will not be materially detrimental to the public welfare. The project area is only accessible to the Todd Shipyard personnel. The project is sited so that it cannot be seen from the road frontage or by neighboring properties because the area is blocked by existing buildings. The project is not expected to increase noise, light, block access or block area views.

- b. The use shall not result in substantial injury to the property in the vicinity; and*

The proposed project is small in scale and located away from any of the neighboring properties. The Todd Shipyard site is a large industrial site with many buildings. The proposed trailers will be located so that they are shielded from neighboring properties. The use is not expected to result in substantial injury to the property in the vicinity.

- c. The use shall be consistent with the spirit and purpose of the Land Use Code.*

Todd Pacific Shipyards is an industrial site that is focused on ship building, ship repair and upgrades. This project is directly related to the primary use of the site by providing accessory temporary billeting and caretaking facilities for a U. S. navy ship under repair/upgrade.

DECISION – TEMPORARY USE

The temporary use application request is **GRANTED**.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposal is located within the Urban Industrial (UI) Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). The Shoreline Master Program, Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts to implement the policy and provisions of the Shoreline Management Act of 1971 and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this Chapter; and
- C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

The State of Washington Shoreline policies (RCW Chapter 90.58) provide for the control of pollution and prevention of damage to the natural environment, and to protect the resources and ecology of the shoreline over the long term. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. The Shoreline Management Act of 1971 provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the State is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The City of Seattle Shoreline policies incorporate these goals by reference and include area objectives pursuant to these goals. These policies contemplate protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

As discussed below, the City's Shoreline policies encourage public access and increased opportunities for the public to enjoy water-dependent recreation. The proposal to upgrade a recreational floating dock in a public park is consistent with the Shoreline objectives. Thus, this proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of Section 23.60.064 SSMP require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required. The proposed temporary use to be located in an established marine service use is permitted outright in the underlying zone General Industrial (IG) and on waterfront lots in the Urban Industrial (UI) environment.

SSMP 23.60.004 - Shoreline Policies

Policies governing approval of development in shoreline districts are set out in the Land Use Element of the Seattle Comprehensive Plan and SSMP Section 23.60.220 Shoreline Environments Established. Seattle's Comprehensive Plan Shoreline Goals and Policies encourage public access along shorelines. The purpose of the UI shoreline environment is to provide for efficient use of industrial shorelines by major cargo facilities and other water-dependent and water-related industrial uses. This proposal is for an accessory use to the vessel repair use of the site. Therefore, it is consistent with adopted Comprehensive Plan policies.

Shoreline Development Standards

Pursuant to the Seattle Shoreline Master Plan, the proposed action is subject to:

1. the general development standards (SSMP 23.60.152); and,
2. development standards for uses in the UI environment (SSMP 23.60.840).

1. SSMP 23.60.152 - General Development Standards for all Shoreline Environments

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60.152. Generally, these standards require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the

Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment. The following general development standards are relevant to the proposed project:

- A. *The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*
- B. *Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.*
- D. *The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.*
- E. *All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch-basins or settling ponds, interceptor drains and planted buffers.*
- H. *All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.*
- I. *All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.*
- J. *All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.*

- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.*
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.*
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.*
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.*

The project has been designed to meet the general development standards relevant to the applicable code sections. The proposal complies with standards in that the proposed shoreline activity is designed, proposed to be constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment.

2. SSMP 23.60.872 – Development Standards in the UI Environment

Permitted uses in the Urban Industrial (UI) are contained in SSMP Subchapter XV, Part 1, in sections SMC 23.60.840 through 846. The use is accessory to the marine sales and services of the Todd Pacific Shipyard.

Development Standards in the UI Environment

Development standards in the UI environment regulate structure height, lot coverage, view corridors, setbacks, and public access.

The proposed temporary accessory billeting use will have trailers that are approximately 14 feet in height. Lot coverage is allowed to be 100 % of the lot and this lot is well below the lot coverage limit. The view corridor is not affected by this temporary use. The temporary use does not affect the existing public access to the water, so the requirements for public access are also met. This proposal is consistent with the development standards of the UI Shoreline Environment.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments, and give the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed shoreline substantial development temporary permit is **GRANTED.**

CONDITIONS – Temporary Use and Shoreline Substantial Development

None.

Signature: (signature on file)
Holly J. Godard, Land Use Planner
Department of Planning and Development

Date: March 29, 2010

HJG:ga

H:\projects..godardh\Temporary Uses\3010832 temporary billeting Todd.doc